
By: **Delegates McComas, Anderson, Boteler, Boutin, Cryor, Frush, Gilleland,
Kach, Lee, McDonough, Menes, Quinter, Shank, Smigiel, and F. Turner**
Introduced and read first time: February 13, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Injury to or Death of Domesticated Dog or Cat - Compensatory and Punitive**
3 **Damages**

4 FOR the purpose of establishing that a person who negligently injures or causes the
5 death of a pet that is a domesticated dog or cat while acting individually or
6 through an animal under the person's direction or control shall be liable to the
7 owner of the pet for certain compensatory damages not exceeding a certain
8 amount; establishing that a person who intentionally injures or causes the
9 death of a pet that is a domesticated dog or cat while acting individually or
10 through an animal under the person's direction or control shall be liable to the
11 owner of the pet for certain compensatory damages; repealing certain provisions
12 relating to the recovery of certain damages for the tortious injury or death of a
13 pet that is not a domesticated dog or cat; providing certain exceptions to
14 liability; establishing that a person who intentionally and with actual malice
15 injures or causes the death of a pet that is a domesticated dog or cat while acting
16 individually or through an animal under the person's direction or control shall
17 be liable to the owner of the pet for certain compensatory and punitive damages;
18 defining a certain term; altering a certain definition; providing that this Act
19 does not apply to certain customary and normal practices of a person licensed by
20 the State to provide veterinary care; providing for the application of this Act;
21 and generally relating to civil liability for injuring or causing the death of a pet
22 that is a domesticated dog or cat under certain circumstances.

23 BY repealing and reenacting, with amendments,
24 Article - Courts and Judicial Proceedings
25 Section 11-110
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2003 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 11-110.

3 (a) (1) In this section[, "pet"] THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) "COMPENSATORY DAMAGES" MEANS:

6 (I) IN THE CASE OF THE DEATH OF A PET, THE FAIR MARKET
7 VALUE OF THE PET BEFORE DEATH AND THE REASONABLE AND NECESSARY COST OF
8 VETERINARY CARE; AND9 (II) IN THE CASE OF AN INJURY TO A PET, THE REASONABLE AND
10 NECESSARY COST OF VETERINARY CARE.11 (3) "PET" means a domesticated [animal] DOG OR CAT UNDER THE
12 CONTROL OF ITS OWNER OR ITS OWNER'S AGENT.

13 [(2) "Pet" does not include livestock.]

14 (b) (1) [The measure of damages for tortious injuries to or death of a pet is
15 the market value of the pet before the injury or death or the reasonable cost of
16 veterinary care, but not more than \$5,000 if such charge is greater] A PERSON WHO
17 NEGLIGENTLY INJURES OR CAUSES THE DEATH OF A PET WHILE ACTING
18 INDIVIDUALLY OR THROUGH AN ANIMAL UNDER THE PERSON'S DIRECTION OR
19 CONTROL IS LIABLE TO THE OWNER OF THE PET FOR COMPENSATORY DAMAGES.20 (2) THE DAMAGES AWARDED UNDER PARAGRAPH (1) OF THIS
21 SUBSECTION MAY NOT EXCEED \$5,000.22 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
23 PERSON WHO INTENTIONALLY INJURES OR CAUSES THE DEATH OF A PET WHILE
24 ACTING INDIVIDUALLY OR THROUGH AN ANIMAL UNDER THE PERSON'S DIRECTION
25 OR CONTROL IS LIABLE TO THE OWNER OF THE PET FOR COMPENSATORY DAMAGES.26 (2) A PERSON WHO INTENTIONALLY INJURES OR CAUSES THE DEATH OF
27 A PET WHILE ACTING IN SELF DEFENSE, DEFENSE OF ANOTHER, DEFENSE OF A PET,
28 OR DEFENSE OF ONE'S PROPERTY IS NOT LIABLE TO THE OWNER OF THE PET UNDER
29 THIS SUBSECTION.30 (D) A PERSON WHO INTENTIONALLY AND WITH ACTUAL MALICE INJURES OR
31 CAUSES THE DEATH OF A PET WHILE ACTING INDIVIDUALLY OR THROUGH AN
32 ANIMAL UNDER THE PERSON'S DIRECTION OR CONTROL IS LIABLE TO THE OWNER
33 OF THE PET FOR COMPENSATORY AND PUNITIVE DAMAGES.34 (E) THIS SECTION DOES NOT APPLY TO THE CUSTOMARY AND NORMAL
35 PRACTICES OF A PERSON LICENSED BY THE STATE TO PROVIDE VETERINARY CARE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any cause of action that arises before the effective date
4 of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2004.